

ON RE: PETITION FOR ZONING VARIANCE  
NW/Corner Beachwood Road at  
Beachwood Road  
(8250 Beachwood Road)  
12th Election District  
7th Councilmanic District  
Martin R. Nyman, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-525-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) to be located on a corner lot with a side street setback of 2 feet in lieu of the required placement in the one-third of the rear yard farthest removed from any street, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Martin Nyman, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8250 Beachwood Road, is a triangular-shaped corner lot consisting of .19 acres more or less zoned D.R. 5.5 and is located in the Chesapeake Bay Critical Areas near Back River. Said property is improved with a single family dwelling. Testimony indicated the petitioners have constructed a garage in the side yard due to the location of the existing dwelling and one hundred year old oak trees. Petitioner testified the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony further indicated to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship upon him.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

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In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1989 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be located on a corner lot with a side street setback of 2 feet in lieu of the required placement in the one-third of the rear yard farthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is

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hereby GRANTED, subject, however, to the following restrictions which conditions precedent to the relief granted herein:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 12, 1989, attached hereto and made a part hereof.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: June 12, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item #408  
Martin and Linda Nyman Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8250 Beachwood Road in North Point. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

APPLICANT PROPOSAL

The applicant is proposing to construct a 280 square foot garage in the rear yard adjacent to Beachwood Road.

The applicant has requested a Zoning Variance from Section 400.1 "To allow an accessory structure (detached garage) on a corner lot with a 2 ft. side street setback in lieu of in the 1/3 of the rear yard farthest removed from the side street."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Mr. J. Robert Haines  
June 12, 1989  
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REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot." <COMAR 14.15.02.04 C.(7)>.

Findings: The sum of all man made impervious areas, as shown on the site plan equals 15% of the total lot.

2. Regulation: "If no forest or developed woodland exists on a proposed site these sites shall be planted to provide a forest or developed woodland cover of at least 15% of the site." <COMAR 14.15.02.04 C.(5C)>

Findings: The site contains developed woodland which equals 30% of the site.

3. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Sec. 22-217(a)2>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

4. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Balto. Co. Code Sec. 22-98>

Findings: No tidal or non-tidal wetlands were found on this site. Wetlands exist on sites several hundred feet west of the property line and will not be impacted by the proposed development.

Mr. J. Robert Haines  
June 12, 1989  
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CONCLUSION

Upon compliance with the above requirements, this project shall be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Voiz

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(801) 887-3333  
J. Robert Haines  
Zoning Commissioner

June 27, 1989

Mr. & Mrs. Martin R. Nyman  
8250 Beachwood Road  
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE  
NW/Corner Beachwood Road at Beachwood Road  
(8250 Beachwood Road)  
12th Election District - 7th Councilmanic District  
Martin R. Nyman, et ux - Petitioners  
Case No. 89-525-A

Dear Mr. & Mrs. Nyman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3321.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission  
Tawes State Office Building, D-4  
Annapolis, Maryland 21404

DEPRM







89-525-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
12th day of April, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Martin R. Nyman, et ux received by: James E. Dyer  
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 7, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. & Mrs. Martin R. Nyman  
8250 Benchwood Road  
Baltimore, MD 21222

RE: Item No. 408, Case No. 89-525-A  
Petitioner: Martin R. Nyman, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Nyman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE KIMHARSKI, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 88-1391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:js  
Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
(800) 887-3554

April 21, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and 413.

Very truly yours,  
*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/1eb

RECEIVED  
APR 29 1989  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204  
901 EOW

Paul H. Panko  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owners: Martin R. Nyman, et ux

Location: 8250 Benchwood Road at Benchwood Road

Item No.: 408

Case No.: 89-525-A

Enclosures:

Pursuant to your request, the referenced property has been surveyed by the Bureau and the comments below marked with an "X" are appropriate and requested to be incorporated or incorporated into the final plans for this property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved street in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle load out condition shown at

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable laws of the Fire Department Code prior to the opening of the property for operation.
5. The buildings and structures shall be constructed in accordance with all applicable requirements of the National Fire Protection Association Standard for the Life Safety Code, 1990 Edition, prior to occupancy.
6. Site plans are approved, as shown.
7. The Fire Prevention Bureau has no comments at this time.

RECEIVED  
APR 29 1989  
Special Inspection Division

7/1

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 418.

Comments are attached for Items 405 and 411.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s  
Encls.

ENC 2 - 100